

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANDREW PROKOS,

Plaintiff,

**MEMORANDUM & ORDER**  
20-CV-1220 (EK) (RER)

-against-

IQ HOMES & CO. INC.,

Defendant.

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ERIC KOMITEE, United States District Judge:

Plaintiff, a photographer, alleges that IQ Homes & Co. Inc. featured one of his photographs on its website without permission, in violation of 17 U.S.C. §§ 501(a)-(b) and 1202. The Defendant failed to appear or otherwise defend against the action. At the Plaintiff's request, the Clerk of the Court entered a Certificate of Default on June 24, 2020. ECF No. 12. On August 19, 2020, the Plaintiff moved for default judgment, ECF No. 18, and the Court referred that motion to Magistrate Judge Ramon E. Reyes for a Report and Recommendation ("R&R"). See Minute Entry dated August 20, 2020.

On February 11, 2021, Judge Reyes issued a thorough R&R recommending that the Court grant Plaintiff's motion for default judgment and award Plaintiff \$20,000 in statutory damages, \$3,935.50 in attorney's fees, and \$440 in costs. ECF No. 22. Neither party has filed an objection to the R&R and the

time to do so has expired. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *Gesualdi v. Mack Excavation & Trailer Serv., Inc.*, No. 09-CV-2502, 2010 WL 985294, at \*1 (E.D.N.Y. Mar. 15, 2010). Having reviewed the record, the Court finds no clear error. Accordingly, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1).<sup>1</sup>

Therefore, the Court grants Plaintiff's Motion for Default Judgment and awards Plaintiff \$20,000 in statutory damages, \$3,935.50 in attorney's fees, and \$440 in costs. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

/s Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: March 16, 2021  
Brooklyn, New York

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<sup>1</sup> On page 5, the Report states that where the copyright owner proves that the infringement was willful, the Court can award statutory damages up to "\$150,00" under 17 U.S.C. § 504(c)(2). That line is hereby amended to state "\$150,000."